

CLASSIFICATION OFFICE DECISION

Title of publication: 049_49.JPG

Other known title(s): Not stated

OFLC ref: 2000211.034

Medium: Image File

Distributor: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

Classification:	Unrestricted.
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Descriptive note: None

Display conditions: None

Date of entry in Register: 04 September 2020

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 03 September 2020

Summary of reasons for decision:

The image file depicts a partially nude teenaged girl. However, it is not reasonably capable of being regarded as sexual in nature. The nudity is shown in a context where it is likely to be perceived as unremarkable. A viewer's predisposition to regard any image of nudity as having a sexual meaning may result in a sexual interpretation. However, given the absence of sexual content it would be unreasonable to conclude that the image is sexual in nature. A Bill of Rights framework requires that limitations on the availability of publications must be reasonable and demonstrably justifiable. The image file does not deal with matters of sex, or any other matters, under s3(1) of the Films, Videos and Publications Classification Act 1993, nor does it raise any issues under s3A or s3B. It must therefore be classified as unrestricted. This classification is consistent with the right of freedom of expression as set out in the New Zealand Bill of Rights Act 1990.